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| 09/893,767 | 06/27/2001 | Gary T. Wroblewski | NC25561 | 4844 |
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EXAMINER

CHOW, CHARLES CHIANG

ART UNIT

PAPER NUMBER

2685

DATE MAILED: 04/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/893,767

Applicant(s)

WROBLEWSKI, GARY T.

Examiner

Charles Chow

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/27/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2, 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Detailed Action

Information Disclosure Statement

1. The information disclosure statement filed February 25, 2002 fails to comply with 37 CFR 1.98(a)(1), which requires a list of all patents, publications, or other information submitted for consideration by the Office.

The information disclosure statement filed February 25, 2002, is not received yet. A copy of the information disclosure statement filed February 25, 2002 is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muramatsu (US 2001/0051,536 A1) in view of Vo (WO 00/18,107).

Regarding **claim 1**, Muramatsu discloses a method of admitting wireless message (displaying call message, abstract) bases on a phone book record (the phone records having index numbers 01-05, list of caller's name, and sound patterns, Fig. 4, Fig. 7(b), [0037-0042], abstract).

Muramatsu discloses a phone book having a first record data mood-ring instance and a second record data source identifier. Because Muramatsu discloses the selection of the sound patterns and the associated caller's name (as shown in Fig. 7(b) above) as the claimed first mood-ring instance and the second record data source identifier.

Muramatsu discloses the choice of mood-ring as shown in Fig. 7(b) and the selecting, setting, the sound pattern, for the associated caller's name, using menu button 21, set button 22, scrolling button 23 (Fig. 6(a) to Fig. 6(f), [0043-0046]).

Muramatsu discloses the admitting message (accepting phone call, displaying message, abstract), by matching the second record data source, caller's name (abstract, step 106, figure in cover page). Muramatsu discloses the portable handy phone device could retrieve the corresponding, matched, notification sound pattern (Fig. 4, Fig. 7(b), abstract, [0015-0017]), to match the caller's telephone number and caller's name.

Muramatsu does not clearly indicate the receiving a choice of a mood-ring to determining at least one chosen mood-ring matching the first recorded mood-ring instance, and the receiving a wireless message having a content indicator.

Regarding the receiving a choice of a mood-ring to determining at least one chosen mood-ring matching the first recorded mood-ring instance, Vo teaches the base station transmitting predetermined code 54 (Fig. 3B) for matching the corresponding ringing tone record having period, pitch, cadence, stored in the mobile station (page 10, lines 1-10; page 10, line 26 to page 11, line 9). The stored ringing tone record having period, pitch, cadence, is equivalent to the claimed first record mood-ring instance.

Regarding the receiving a wireless message having a content indicator, Vo teaches

the mobile station 16 receives the predetermined code from base station 18 to identifying the calling party, by retrieving ring tone period, pitch, cadence (Fig 3B) stored in mobile station to generate call notification (abstract, Fig. 1-7, page 6, lines 3-4; page 10, lines 2-10; page 10, line 26 to page 11, line 9). The predetermined code is the equivalent claimed content indicator from applicant. Vo provides the a efficient technique for identifying calling party by confirming caller, and transmitting predetermined code to mobile station, such that the call notification could be efficient by sending predetermined code to save extra memory space (page 1, line 28 to page 2, line 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Muramatsu, and to include Vo's transmitting predetermined code to mobile station, such that the call notification could be efficient by sending predetermined code to save extra memory space.

Regarding **claim 2**, Muramatsu discloses the registering, adding, the mood-ring to phone book in as shown in Fig. 6(a) to Fig. 7(b), [0040-0046], using input buttons, 21-23, as shown above).

Regarding **claim 3**, Muramatsu discloses the selecting the phone record from RAM 6 and receiving command to couple the phone-book record, by using the buttons 21-23, as shown above in Fig. 6(a)-6(f), [0043-0046].

Regarding **claim 4**, Muramatsu discloses the listing of phone-book records in Fig. 4, and the receiving name choice to match the list of phone book, as shown above in abstract, step 106, name in received message.

3. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muramatsu in view of Vo, and further in view of De Boor et al. (US 6,173,316 B1).

In the above, it does clearly indicate the adding of the criterion to second data record identifier.

Regarding **claim 5**, De Boor et al. (also as De Boor below) teaches the wireless communication device having man-machine interface, using markup language, for interfacing with user (abstract, Fig. 1-2). In Fig. 8, col. 13, lines 10-40, De Boor teaches the phone book contains telephone number, address, ring tone. De Boor teaches the new entry could be added to the phone book (as shown (col. 25, lines 41-47). De Boor teaches the filter could be added for criterion of receiving the incoming call (col. 40, lines 50-67). De Boor teaches any data augment can be entered to the phone book (col. 44, lines 19-27). De Boor considers the efficient man-machine interface by using the markup language (col. 5, line 30-32), such that the software complexity could be reduced. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Muramatsu above, and to include De Boor's efficient man-machine interface by using the markup language, such that the software for man-machine interface could be efficient, by utilizing markup language, for reducing the software complexity.

Regarding **claim 6**, De Boor teaches the adding a phone number to phone book, as shown in col. 5, lines 20-29, col. 25, lines 41-47, for creating new entry, modifying entry, for telephone number or ring tone in phone book.

Regarding **claim 7**, De Boor teaches the man-machine interface could also add address, because De Boor considers any data augment could be entered into phone book, including address field, as shown above. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Muramatsu above, and to include De Boor's creating new entry, modifying entry, for any data augment, including telephone number and address, such that the phone book could be updated efficiently by using the man-machine interface.

4. Claims 8-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muramatsu in view of Vo, and further in view of De Boor et al.

Regarding **claim 8**, referring to Muramatsu and Vo in claim 1 above for the portable handy phone device for admitting message based on a phone book record (Muramatsu's Fig. 4, Fig. 7(b), Vo's Fig. 3B) for the first mood-ring tones and second record identifier (name, telephone number, from Muramatsu). Muramatsu discloses the input device, menu button 21, set button 22, and scrolling button 23 [(Fig. 6(a)-6(f)], for selecting caller's name, setting corresponding ring sound (Fig. 7b) into the phone list record in memory. Muramatsu discloses the receiver 2 in Fig. 2 and the processor 12 in Fig. 2, for matching the second source identifier, name.

Regarding **claim 9**, De Boor has shown above the creating, modifying ring tone to the phone book in col. 25, lines 41-47, as the means for adding a mood-ring to phone-book comprising mood-ring.

Regarding **claim 10**, Muramatsu discloses a second input device for selecting the phone-book record using scroll button 23 for receiving command to associate the phone record to mood-ring

Regarding **claim 11**, Muramatsu discloses the a display of listing in Fig. 6(a)-6(f) and in Fig. 4. Muramatsu discloses a third input device, set button 22, is utilized associate the name [0045] to matching a list in phone book record, by setting the name to the phone book.

Regarding **claim 12**, De Boor has shown a wireless device, and a second input device (scroll button 21) for adding criterion (filter, above) to the phone book, as shown in claim 5.

Regarding **claim 13**, referring to Muramatsu in claim 11 above for the third input for adding a phone number to the phone book record, and the communication device.

Regarding **claim 14**, De Boor has considered a fourth input device for adding an address to the phone book for a mobile wireless device, by using the softkey 130, for creating new entry address (in col. 25, lines 41-47; col. 25, lines 58-67).

Regarding **claim 15**, referring to claim 1 above for the receiving a choice among at least one mood-ring for providing a chosen mood-ring, for admitting, displaying message using the chosen mood-ring, predetermined code.

Regarding **claim 16**, referring to Muramatsu for receiving mood-ring selection command in Fig. 6(a)-6(b) from the 21-23-buttons. Vo has shown above the listing of mood-ring indicator, predetermined code 0-2, in Fig. 3B, as the mood-ring indicator.

Regarding **claim 17**, Muramatsu has shown, in Fig. 6(a)-6(b), for the highlighting, the

cursor for scrolling, the highlighting 01, for Beep 1, as a second mood-ring indicator.

Regarding **claim 18**, Muramatsu has shown, in Fig. 6(a)-6(b), for registering, editing, mood-ring with mood-ring indicator 01-08 (Fig. 7b, [0040-0045]).

Regarding **claim 19**, Muramatsu has shown above the receiving key-press command from menu button 21, set button 22, and scroll button 23, for select mood-ring.

5. Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muramatsu in view of Vo, De Boor, as applied to claims 15, 16, 19 above, and further in view of Shnier (US 2002/0009,184 A1).

In the above, it does not include the key-press comprising threshold setting signal.

Regarding **claim 20**, Shnier teaches the call screening for notifying user, based on the caller ID which has the associated corresponding distinct ring sound for notifying the incoming call (abstract, figure in cover page). Shnier teaches the keys 205b (figure in cover page) has different sound settings to choose as the alerting threshold setting signal by using different ring sound associated with key 205b, for distinctly notifying the user of the caller's incoming call, such as using one beep or three beep. Shnier considers the efficient call notification by using the distinct sound associated with the caller's ID, such that the called party could be efficiently identified the caller ([0026]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Muramatsu above, and to include Shnier's distinct ring sound associated with caller, such that the called party could efficient identify the caller.

Regarding **claim 21**, referring to De Boor above (col. 44, lines 20-27; col. 44, lines 36-47) for the chosen mood-ring comprising the profile data, having the priority, and the filtering profile data.

Conclusion

6. In the above disclosures, Muramatsu discloses the accepting call message by displaying message, based on stored phone records having caller's names and associated sound patterns. Muramatsu discloses a phone book having a first record data mood-ring instance and a second record data source identifier. Because Muramatsu discloses the choices of sound patterns and the associated the caller's name. Muramatsu discloses the choice of mood-ring as shown in Fig. 7(b) and the selecting, setting, the sound pattern, for the associated caller's name, using menu button 21, set button 22, scrolling button 23. Muramatsu discloses the admitting message, accepting phone call, displaying message, by matching the second record data source, caller's name. Muramatsu discloses the portable handy phone device could retrieve the corresponding, matched, notification sound pattern, to match the caller's telephone number and caller's name.
- Vo teaches the base station transmitting predetermined code 54 for matching the corresponding ringing tone record having period, pitch, cadence, stored in the mobile station. The stored ringing tone record having period, pitch, cadence, is equivalent to the claimed first record mood-ring instance. Vo teaches the mobile station 16 receives the predetermined code from base station 18 to identifying the calling party, by

retrieving ring tone period, pitch, cadence (Fig 3B) stored in mobile station to generate call notification.

De Boor teaches the wireless communication device having man-machine interface, using markup language, for interfacing with user. De Boor teaches the phone book contains telephone number, address, ring tone. De Boor teaches the new entry could be added to the phone book. De Boor teaches the filter could be added for criterion of receiving the incoming call. De Boor teaches any data augment can be entered to the phone book. De Boor considers the efficient man-machine interface by using the markup language, such that to reduce the software complexity.

Shnier teaches the call screening for notifying user, based on the caller ID which has the associated corresponding distinct ring sound for notifying the incoming call.

Shnier teaches the keys 205b has threshold setting signal to set ring tone to different sound associated with key 205b, for distinctly notifying the user of the caller's incoming call. Shnier considers the efficient call notification by using the distinct sound associated with the caller's ID, such that the called party could efficient identify the caller.

7. Cited relevant prior arts:

- A. US 5,940,775, August 1999, Kim teaches the method and apparatus for selectively generating incoming ring in digital cordless telephone (title, abstract, figure in cover page). The cordless telephone receiving ring on/off indication and base station identification BID to generate ring tone from 1-Nth types of stored ring tones (figure in cover page, Fig. 2, summary of invention, col. 4, lines 6-31).

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B. US 5,452,354, September 1995, Kyronlahti et al. teaches the storing of the ringing tone sequence parameters (1,...,6) and receiving paging signal, retrieving ringing tone sequence parameters (1,...,6) to generate call notification ringing tone to user (abstract, figure in cover page, summary of invention, col. 6, line 67 to col. 7, line 20).

C. US 6,094,587, July 2000, Armanto et al. teaches the programming of a mobile telephone with ringing tone over the air according to the ring tone identifier. The ring tone could be modified also (abstract, figure in cover page, col. 3, lines 1-34; col.12, lines 50-55; col. 9, lines 18-22).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Chow whose telephone number is (703)-306-5615. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (703)-305-4385.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to: (703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



Charles Chow

April 12, 2003.